

Fact Sheet:

SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF 2000



On November 7, 2000, California voters approved Proposition 36 -- The Substance Abuse and Crime Prevention Act of 2000 (the Act). The Act is the most significant state law change since "three strikes," and substantially changes California's judicial processes and substance abuse treatment systems.

What the Act Does

Under the Act, most non-violent adult offenders who use or possess illegal drugs will receive drug treatment in the community rather than incarceration. It was designed to:

- ❑ Preserve jail and prison cells for serious and violent offenders.
- ❑ Enhance public safety by reducing drug-related crime.
- ❑ Improve public health by reducing drug abuse through proven and effective treatment strategies.

Eligible offenders receive up to one year of drug treatment and six months of after-care. The courts may sanction offenders who are not amenable to treatment. Vocational training, family counseling, literacy training, and other services may also be provided.

- ❑ The Act also requires that participating treatment programs be licensed or certified, with certain exceptions.
- ❑ Use of Proposition 36 funds for drug testing is specifically prohibited by the Act, but special funding for drug testing was added by Senate Bill 223 (Burton), Chapter 721, Statutes of 2001 (approved October 2001).

Funding

Effective July 1, 2001, the Act appropriates \$120 million annually for distribution to counties to operate drug treatment programs and to provide other services. The Act has no overall sunset date, but funding provided in the act ends after fiscal year 2005-2006.

The Department of Alcohol and Drug Programs (ADP) is to allocate funds each year to county

governments to cover the cost of implementing this measure. Funds are allocated on a formula that distributes 50% on a base allocation, 25% on number of drug arrests, and 25% on drug treatment caseload.

Planning and Collaboration

Regulations (Title 9, California Code of Regulations) implementing the Act require counties to designate a County Lead Agency to administer the Act locally and to receive funds. As a condition of receiving funds, counties must annually submit a county plan describing the processes and services that they will employ to implement the Act, as well as proposed expenditures. The plans must be developed and implemented in collaboration with all county agencies and any other entities responsible for administering the Act and with input from providers of drug treatment services, impacted community parties and federally recognized American Indian tribes.

Reports and Evaluation

Counties are required to submit reports to ADP. Currently-available data collection systems will be utilized whenever possible and effective. The Act requires ADP to annually evaluate the effectiveness and fiscal impact of the programs funded, including the implementation process, review of incarceration costs and changes in the crime rate, prison and jail construction, and welfare costs.

The Act also provides up to \$3.3 million for a mandated, long-term study on the effectiveness of the Act and the fiscal impact of the programs authorized by the Act to be conducted by a California public university. The study will include the implementation process, a review of lower incarceration costs, reductions in crime, reduced prison and jail construction, reduced welfare costs, the adequacy of funds appropriated, and any other impact or issues that can be identified by ADP.